IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.358 OF 2004

ALONG WITH

CRIMINAL BAIL APPLICATION NO.3752 OF 2004

Shri Satish Gopinath Kondekar ...Applicant

Versus

The State of Maharashtra & Anr. ...Respondents

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Mr.Vaibhav G.Bagade for Applicant.

Mr.K.V.Saste, A.P.P. for Respondent No.1.

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CORAM: A.M.KHANWILKAR, J.

OCTOBER 15, 2004.

P.C.

1. Heard Counsel for the Applicant. I see no reason to depart from the concurrent view taken by the two Courts below. To get over the concurrent finding of facts returned by the two Courts below, learned Counsel for the Applicant contends that it was obligatory on the prosecution to establish in evidence that the Applicant had knowledge or had

reason to believe that the goods which were recovered from him were liable to confiscation under Section 111 of the Customs Act. This submission is advanced on the basis of provisions of Section 135(1)(b) of the Customs Act. There is no substance in this submission. Both the Courts below have considered the matter on the basis of evidence on record and have reached at the conclusion that the goods were recovered from the Applicant and the same were contraband goods liable for confiscation. Insofar as the knowledge of the Applicant is concerned, even that aspect has been considered in Paragraph 16 of the order of the Appellate Court. That reason is good enough to reject the claim of the Applicant. Not a case to exercise revisional jurisdiction. Hence, dismissed.

2. In view of the above order passed in Revision Application, Criminal Bail Application No.3752 of 2004 is also dismissed.

A.M.KHANWILKAR, J.